



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Plant Patent Application of: **REGINALD DEROOSE**

Serial number: **10/766,772**

Group Art Unit: **1661**

Filed: **JANUARY 28, 2004**

Examiner: **J. HWU**

Titled: **POGONATHERUM PLANT NAMED 'DEPLABUN'**

**SUBSTITUTE SPECIFICATION AND
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.125(a)**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Office Action mailed July 27, 2004, the Examiner is respectfully requested to reconsider the outstanding rejections in the light of the enclosed substitute specification, claim and abstract.

The disclosure was objected to under 37 U.S.C. § 163(a) and under 35 U.S.C. 112, first paragraph, because the specification presents less than a full, clear and complete botanical description of the claimed plant and the characteristics which distinguish the claimed plant from related, known varieties and its antecedents.

Favorable reconsideration of the application is requested in view of the substitute specification, claim and abstract. With these additions and changes, the application is believed to be in condition for allowance, and such action is respectfully requested.

In the event any outstanding deficiencies remain, the Examiner is requested to contact the undersigned agent of record so that allowance of the application can be expedited.

Date: November 27, 2004

Respectfully submitted,

Catherine Anne Whealy
Reg. No. 39,419
P.O. Box 220
Tolar, Texas 76476
TEL: 1-254-835-5150